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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,871	03/20/2006	Karl Stefan Elmqvist	05454/LH	8391

1933 7590 07/23/2007  
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC  
220 Fifth Avenue  
16TH Floor  
NEW YORK, NY 10001-7708

EXAMINER
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LOPEZ, MICHELLE

ART UNIT	PAPER NUMBER
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3721

MAIL DATE	DELIVERY MODE
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07/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/542,871

Applicant(s)

ELMQVIST ET AL.

Examiner

Michelle Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/20/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Specification***

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Dobie 2,414,368.

Dobie discloses a pneumatic power tool comprising a housing 10, a motor, a pressure air inlet passage via 70, an adjustable exhaust air outlet passage 56r, 58r, and an adjustable exhaust air outlet deflector as shown in Figs. 9-10 rotatably supported on said housing, wherein said outlet deflector comprises a cup shaped outlet piece 22 having at least one radially directed outlet opening 48,48r and one or more axially directed outlet opening 52,52r arranged in a certain pattern, a valve element 42 rotatably supported in a co-axial relationship with said outlet piece 22, said valve element has one or more axially directed apertures 46,46r arranged in a pattern congruent with said pattern of said axially directed outlet openings 52,52r of said outlet piece 22,

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and at least one radially directed aperture 54,54r to be selectively brought into alignment with said at least one radially directed outlet opening 48,48r of said outlet piece, wherein said outlet piece and said valve element are rotatable relative to each other between a first relative position and a second relative position as claimed.

With respect to claim 2, Dobie also discloses wherein said outlet piece 22 and said valve element 42 are axially displaceable relative to the housing, a spring 62 arranged to bias said valve element against said outlet piece, and a coupling device 56,60 provided between said valve element and the housing.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobie 2,414,638 in view of Izumisawa US RE39,009E.

With respect to claims 3 and 5, Dobie discloses the invention substantially as claimed including an air inlet passage as discussed above, but does not specifically disclose wherein said inlet passage comprises an inlet socket secured to the housing and extending co-axially through the outlet piece and the valve element, and an annular shoulder on said inlet socket forms an axial bearing surface for said outlet piece. However, Izumisawa teaches the concept of a pneumatic tool comprising a housing, an outlet piece 31, a valve element 37, and an air inlet passage 15 comprising an inlet socket 17 co-axially with said outlet piece 31 and said valve

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element 37, wherein said inlet socket has an annular shoulder forming an axial bearing surface for said outlet piece 31 as shown in Fig. 5 for the purpose of connecting an air hose to said inlet socket for supplying pressurized air from a source and allowing swiveling of the tool housing relative to the hose and inlet socket. It would have been obvious to one having ordinary skill in the art to have provided Dobie air inlet passage with an inlet socket as taught by Izumisawa in order to properly connect an air hose for the supplying of pressurized air.

With respect to claims 4 and 6, Dobie also discloses wherein said valve element 42 is located inside said outlet piece 22.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pusateri, Putney, Ghode, and Hall are cited to show related inventions.

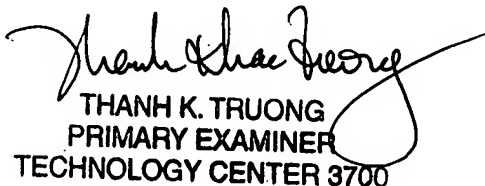
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 571-272-4464. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michelle Lopez  
Patent Examiner

  
THANH K. TRUONG  
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